

Panaji, 14th May, 1987 (Vaisakha 24, 1909)

SERIES I No. 7

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

ORDER

2/7/76-PER-Vol.III

In supersession of the orders issued from time to time, the Administrator of Goa, Daman and Diu is pleased to constitute with immediate effect the following Departmental Selection Committee for All Group 'C' posts, except Lower Division Clerks, in this Administration:—

1. Director of Training, Recruitment and Monitoring — Chairman.
2. Head of the concerned Department (or his second in command if the Head of Department is senior to the Director of Training, Recruitment and Monitoring) — Member.
3. Under Secretary of the concerned Administrative Department — Member.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 6th May, 1987.

ORDER

2/7/76-PER-Vol. III

In supersession of the orders issued from time to time, the Administrator of Goa, Daman and Diu is pleased to constitute with immediate effect the following Departmental Selection Committee for recruitment of Lower Division Clerks, Group 'C' posts, in this Administration:

1. Director of Training, Recruitment & Monitoring. — Chairman.
2. Director of Planning & Statistics & Evaluation. — Member.
3. Under Secretary to the Govt. (to be nominated by Chief Secretary for each occasion) — Member.

2. The above Committee shall also function with immediate effect as Departmental Promotion Committee for considering promotion to the posts of U.D.Cs. in all Departments/Offices in this Administration.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel):

Panaji, 6th May, 1987.

Public Health Department

Notification

13-41-87-I/PHD

In exercise of the powers conferred by section 33 EEC of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940), and in supersession of Government Notification No. ILD/HS/2266/65 dated 25-4-66, the Lieutenant Governor of Goa, Daman and Diu hereby specifies 1st day of May 1987 as the date for the purpose of the said section 33 EEC of the Act.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 30th April, 1987.

Law Department

Legal Affairs Branch

Notification

7-2-87/LA

The Goa, Daman and Diu Official Language Act, 1987 (Act 5 of 1987), which has been passed by the Legislative Assembly on 4-2-1987 and assented to by the President of India on 14-4-1987, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 23rd April, 1987.

The Goa, Daman and Diu Official Language Act, 1987
(Act No. 5 of 1987) [14-4-1987]

AN
ACT

to adopt the official language for official purposes of the Union territory of Goa, Daman and Diu.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Official Language Act, 1987.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Administrator” means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) “Government” means the Government of Goa, Daman and Diu;

(c) “Konkani language” means Konkani language in Devanagari script;

(d) “notification” means a notification published in the Official Gazette;

(e) “Official Gazette” means the Official Gazette of the Government of Goa, Daman and Diu;

(f) “Union territory” means the Union territory of Goa, Daman and Diu.

(3) *Official language of the Union territory.*—(1) With effect from such date as the Administrator may, by notification, appoint, Konkani language shall, subject to the provisions contained in sections 34 and 35 of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), be the official language for all or any of the official purposes of the Union territory, and different dates may be appointed for different official purposes:

Provided that the Administrator may, by a like notification, direct that in case of the Goa District, the Marathi language, and in the case of Daman and Diu Districts, the Gujarati Language, shall also be used for all or any of the official purposes and different dates may be appointed for different official purposes.

Provided further that nothing contained in this sub-section shall be deemed to affect the use of the Marathi and Gujarati languages in educational, social or cultural fields:

Provided further that the Government shall not, in granting aid to any educational or cultural institution, discriminate against such institution only on the ground of language;

(2) Nothing contained in sub-section (1) shall preclude any person from submitting any representation for the redress of any grievances to any officer or authority of the Union territory in any of the languages used in the Union territory.

4. *Continued use of English language.*—Notwithstanding anything contained in section 3, the English language shall continue to be used in addition to the languages specified in that section for all or any of the official purposes of the Union territory.

5. *Laying of notification before Legislative Assembly.*—Every notification issued under this Act shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agree in making any modification in the notification or agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Secretariat,

Panaji - Goa

Dated 23rd April, 1987.

(M. RAGHU CHANDER)

Secretary to the Government
of Goa, Daman and Diu
Law Department,
(Legal Affairs)

Notification

7-7-87/LA

The Goa, Daman and Diu Civil Courts (Amendment) Act, 1987 (Act No. 6 of 1987) which has been passed by the Legislative Assembly on 24-3-1987 and assented to by the Administrator of Goa, Daman and Diu on 23-4-1987 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 27th April, 1987.

The Goa, Daman and Diu Civil Courts (Amendment) Act, 1987
(Act No. 6 of 1987) [23-4-1987]

AN
ACT

to amend the Goa, Daman and Diu Civil Courts Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-eighth Year of the Republic of India as follows, namely:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Civil Courts (Amendment) Act, 1987.

(2) It shall come into force at once.

2. **Amendment of section 12.**—In section 12 of the Goa, Daman and Diu Civil Courts Act, 1965 (16 of 1965) (hereinafter referred to as the "principal Act"), in sub-section (3), for the word "ten", the words "twenty five" shall be substituted.

3. **Amendment of section 20.**—In section 20 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value twenty five thousand rupees.

4. **Amendment of section 22.**—In section 22 of the principal Act, for the word "twenty", the words "twenty-five" shall be substituted.

5. **Amendment of section 26.**—In section 26 of the principal Act, in sub-section (1), for the words "District Court", the words "Court of a Senior Civil Judge" shall be substituted.

Secretariat, (M. RAGHU CHANDER)
Panaji - Goa, Secretary to the Government
of Goa, Daman and Diu
Dated: 27th April, 1987. Law Department
(Legal Affairs).

Legislature Department

Notification

LA/B/711/1987

The following Report of the Select Committee on Bill No. 8 of 1986—The Goa, Daman and Diu Prevention of Defacement of Property Bill, 1986 along with the Bill as amended by the Select Committee which was presented to the Legislative Assembly on 27th March 1987 is hereby published for general information in pursuance of the provisions of Rule - 229 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

Panaji, 31st March, 1987.

Bill No. 8 of 1986

A

BILL

to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto.

COMPOSITION OF THE SELECT COMMITTEE

1. Dr. Luis Proto Barbosa — Hon. Minister for Municipalities — Chairman.

MEMBERS

1. Shri Simon D'Souza.
2. Shri Uday L. Bhembre.
3. Shri Vasu Paik Gaonkar.
4. Shri Manu Fernandes.
5. Dr. Kashinath G. Jhalmi.

6. Shri Babuso Gaonkar.
7. Dr. Sripad Cuncolienkar.

SECRETARIAT

Shri M. M. Naik — Secretary Legislature.
Shri A. B. Ulman — Under Secretary, Legislature.
Shri P. B. Sirsat — Superintendent, Legislature.

GOVERNMENT REPRESENTATIVES

Dr. G. C. Srivastava — Development Commissioner.
Shri Raghu Chander — Secretary (Law).
Shri A. V. Pimenta — Under Secretary (Urban Development).

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 8 of 1986—The Goa, Daman and Diu Prevention of Defacement of Property Bill, 1986 (a Bill to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto) was referred, having been authorised by the Committee to submit the Report on its behalf, present its Report with the Bill as amended by the Committee annexed hereto.

2. The Bill was introduced in the Legislative Assembly on 1st April, 1986. At the consideration stage on a Motion moved under rule 141 by Dr. Kashinath G. Jhalmi and after the discussion in the House the Bill was referred to the Select Committee on 30-7-1987 consisting of the following:—

1. Dr. Luis Proto Barbosa — Chairman Hon. Minister for Urban Development.
2. Shri Simon D'Souza — Member.
3. Shri Uday L. Bhembre — Member.
4. Shri Vasu Paik Gaonkar — Member.
5. Shri Manu Fernandes — Member.
6. Dr. Kashinath G. Jhalmi — Member.
7. Shri Babuso Gaonkar — Member.
8. Dr. Sripad Cuncolienkar — Member.

3. The Committee held six sittings. The Select Committee in its preliminary meeting held on 15th September, 1986 decided to invite suggestions/comments from the Members of the Legislative Assembly and the persons interested in the Bill. Accordingly, the Bulletin for information of the Members and press-note for general information was issued. In addition, a press-note was issued to general public inviting suggestions or comments on the Bill.

The provisions of the Bill were scrutinised by the Committee clause by clause. The amendments proposed to certain clauses and accepted by the Committee are enumerated in the following paragraphs.

Recommendations:

1. Section 2(b):—In the definition of the term "Collector", the following definition of the term "Collector" may be inserted because as per the original Section 5 as introduced, the power to erase the writings etc. was given to the Administrator. Since it will be easier and quicker for the Collector to take action in such cases instead of referring the proposals to the Administrator, it was decided to give the powers to

the Collector instead of the Administrator. The Collector may be defined thus:—

“Collector” means the Collector of the district and includes any Officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Act.

The present Section 2 (b) giving the definition of the term “defacement” may be re-numbered as 2 (c).

2. Section 2 (d) and 2 (e):—The terms “Official Gazette” and “Notification” used in the Bill may be defined as:—

“Official Gazette” means the Goa, Daman and Diu Government Gazette.

“Notification” means notification published in the Official Gazette.”

3. Section 2 (f):—The Committee found it necessary to elaborate the definition of the term “property” so as to include also monuments statues, water pipelines and public roads. The term except at specified places” was recommended to be added after the words “any other erection”. The term “except at specified places” has been used in the definition so that the Municipality, Village Panchayat or the Collector can exclude certain specified areas for display of advertisements etc.; so that these specified places will be outside the purview of the enforcement of the Act. Thus the term “property” may be defined as follows:—

“Property” includes any building, hut structure, monument, statues, water pipeline, public road structure, wall including compound wall, tree, fence, postpole or any other erection except at specified places”.

4. Section 2 (g):—The definition of the term “public view” has been inserted as the term has been used in the amended Section-3 (Penalty for defacement of Property) —Whoever defaces any property in public view is liable for punishment. The Committee found it necessary to include the definition of the term public view in the definition clause No. 2 as follows:—

“Public view” means visible to public being in or passing along any public place.

5. Section 2 (h):—The Committee recommended that the term “public place” in the definition of the “public view” may also be defined. As such definition of “public place” has been inserted as follows:

“Public place” means any place (including a road, street or way whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort or over which they have a right to pass;

6. Section 2 (j):—The definition of the term “Specified places” is recommended to be inserted to make clear the scope of the term “property”. The term “specified places” may be defined as “specified

places” means such places as may be specified by the Municipality, Village Panchayats or the Collector as the case may be by notification in the Official Gazette.

7. Section 3.—Penalty for defacement of property:—This Section has been amended to include the words in public view and also the probable additional means of defacements like defecation or spitting or urination. The text of the Section 3 may be as follows:

“Penalty for defacement of property:—1)

Whoever defaces any property in public view by defecating or spitting or urinating or pasting pamphlets, posters or writing or marking with ink, chalk, paint or any other material or method except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.”

8. Section 4.—Punishment for attempts to commit offences:—The Committee felt it necessary to punish an attempt to commit the offence also with the same punishment for the offence. The text of the Section 4 proposed to be inserted may be follows:—

“Punishment for attempts to commit offences.—

Whoever attempts to commit any offence punishable under the Act or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punishable with the punishment provided for the offence.”

9. Section 5.—Punishment of abettors:—The Committee felt that abettment of offence should also be made punishable to the same punishment provided for the offence. The text of the Section 5 proposed to be inserted may be as follows:—

“Punishment of abettors.—Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials or in any matter whatsoever, procures, counsels, aids, abets, or accessory to, the commission of any offence under this Act shall be punished with the punishments provided for the offence.”

x. On the consequence of the addition of Section 4 and 5, the existing Section 4 in the Bill as introduced may be amended to read as Section 6. Original Section 5 (re-numbered as Section 7) may be amended whereby the powers of the Administrators to erase the writings may be given to the Collector for the expeditious action required to be taken in such type of offences.

10. Section 8.—Indemnity’ clause has been recommended for addition to the existing text of the Bill to safeguard anything done in good faith or in public interest etc. The text of the new Section 8 may be as follows:

"Indemnity".— No suit prosecution or other legal proceedings shall lie against the Government, any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Act.

11. The existing Section 6 "Act to override other laws" may be re-numbered as Section 9 on the consequence of the addition of Section 8 above.

Note:— Deletions made are shown in squarebrackets and clauses suggested are shown underlined.

The Goa, Daman and Diu Prevention of Defacement
of Property Bill, 1986.

(Bill No. 8 of 1986)

A
BILL

to provide for the prevention of defacement of property and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-Seventh Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Prevention of Defacement of Property Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may by notification in the Official Gazette, appoint.

2. **Definitions.**— In this Act, unless the context otherwise requires. —

(a) "Administrator" means the Administrator of the Union Territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Act.

(c) "defacement" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any way whatsoever and the word "deface" shall be construed accordingly;

(d) "Official Gazette" means the Goa, Daman and Diu Government Gazette".

(e) "Notification" means notification published in the Official Gazette.

(f) "property" includes any building, hut, monument, statue, water pipeline, public road structure, wall including compound wall, tree, fence, post pole or any other erection except at specified places;

(g) "Public view" means visible to public being in or passing along any public place;

(h) "public place" means any place (including a road, street or way whether a thoroughfare or not and a land in place) to which the public are granted access or have a right to resort or over which they have a right to pass;

(i) "writing" includes declaration, lettering ornamentation, etc. produced by stencil.

(j) "specified places" means such places as may be specified by the Municipality, Village Panchayat or the Collector, as the case may be by notification in the Official Gazette.

3. **Penalty for defacement of Property.**— (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material, except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both)

3. **Penalty for defacement of property.**— (1) Whoever defaces any property in public view by defecating or spitting or urinating or pasting phanplets, posters or writing or marking with ink, chalk, paint or any other material or method except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Where any offence committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not), then, such other person and every President, Chairman, Director, partner, manager, Secretary, Agent or any other officer or person concerned with the management thereof, as the case may be shall unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

4. **Punishment for attempts to commit offences.**— Whoever attempts to commit any offence punishable under the Act or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

5. Punishment of abettors. — Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials or in any matter whatsoever, procures, counsels, aids, abets, or accessory to, the commission or any offence under this Act shall be punished with the punishments provided for the offence.

6. (4) Offence to be cognizable. — An offence punishable under this Act shall be cognizable.

7. (5) Power of the Collector to erase writing, etc. — without prejudice to the provisions of section-3 it shall be competent for the Collector to take

such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

8. "Indemnity". — No suit prosecution or other legal proceedings shall lie against the Government, any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Act.

9. (6) Act to override other laws. — The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.